



**Meeting Minutes - Final
City Council**

Monday, March 16, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[15-0142](#)

Public Hearing to consider adopting an Ordinance Regulating Heritage Tree Preservation.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider adopting an ordinance regulating Heritage Tree Preservation. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0143](#)

Public Hearing to consider an ordinance regulating Environmental Permits related to land disturbance.

President Trawick opened the public hearing at 5:31 p.m. to consider adopting an ordinance regulating Environmental Permits. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0147](#)

Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at vacant property north of Crown Walk entrance .
Property has been abated by owner.

President Trawick opened the public hearing at 5:32 p.m. to declare weeds to be a nuisance and to order its abatement at the vacant property on the north side of the entrance to Crown Walk. President Trawick reported that the property has been abated by the property owner and no further Council action is required. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0148](#)

Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at vacant property south of Crown Walk entrance.
Property has been abated by owner.

President Trawick opened the public hearing at 5:33 p.m. to declare weeds to

be a nuisance and to order its abatement at the vacant property on the south side of the entrance to Crown Walk. President Trawick reported that the property has been abated by the property owner and no further Council action is required. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0149](#)

Public Hearing to consider the vacation of right of ways on two separate areas of Beck Road.

President Trawick opened the public hearing at 5:34 p.m. to consider the vacation of right of ways on two separate areas of Beck Road. He asked for comments from the public. Hearing no comments, he closed the public hearing.

Presentation

[15-0169](#)

Beautification Awards Presentation

Mrs. Pat Davis, Chairman of the Beautification and Revitalization Committee, thanked everyone for attending the awards and noted that the City of Foley and the Beautification Board honor those businesses for their efforts in enriching the community with the outstanding contributions for beautification. Council President Pro-tem Ralph Hellmich and Mrs. Pat Davis presented the Beautification Awards as follows:

Nancy Thompson owner of Honey Baked Ham
Heather Pritchard Director of the Coastal Alabama Farmers and Fishermens Market. Mrs. Pritchard thanked the City of Foley Parks Department and Horticulturist John Graham for keeping the Farmer's Market grounds looking nice. She also thanked Landscape Workshop who put in the landscaping and several vendors.

Mrs. Davis reported that a Revitalization and Beautification sign will be placed outside these two businesses for one year.

Call to Order

President Trawick called the meeting to order at 5:37 p.m.

Roll Call

All Council Members were present. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Randy Bishop, Thurston Bullock, Carlos Lizarrage, Daniel Hudson, Joey Darby, Chad Christian, Miriam Boutwell, LaDonna Hinesley, Randy Kurtts, Brenda Shambo, Carolynne Hollis, Ellen Dean, Gary Pitts, Terry Underwood, John Jackson, Skip Davis, Larry Lyone, Neal Shults, Heather Pritchard, Dan O. Taylor, Randy Davis, Lori Davis, Shirley Martin and press representative Jay Sowers (Onlooker). Mayor Koniar was absent to be with his wife, who recently had surgery.

Present: 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Pledge of Allegiance

Mayor's Presentation

[15-0182](#) Proclamation Honoring Police Canine Zeeta

Attachments: [Proclamation - K-9 Zeeta](#)

Council President Pro-tem Hellmich presented K-9 Handler Officer Daniel Hudson with a proclamation honoring Police Canine Zeeta, who has been officially retired from active police duty with the Foley Police Department.

[15-0181](#) Proclamation Honoring Police Canine Kane

Attachments: [Proclamation - K-9 Kane](#)

Council President Pro-tem Hellmich presented K-9 Handler Officer Carlos Lizarrage with a proclamation honoring Police Canine Kane, who has been officially retired from active police duty with the Foley Police Department.

Officer Carlos Lizarrage reported that it is a privilege to be a K-9 Handler with the Foley Police Department. It is hard work but the handlers truly enjoy it.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to carry over item 15-0150 to the Council meeting of April 6, 2015. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of the Minutes

[15-0167](#) Work Session Minutes of March 2, 2015.

Attachments: [3-2-2015 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of March 2, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0163](#) Council Meeting Minutes of March 2, 2015.

Attachments: [3-2-2015 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Council Meeting Minutes of March 2, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Audit the Accounts

[15-0159](#) Audit the Accounts of February, 2015.

A motion was made by Council Member Rick Blackwell to approve the February, 2015 accounts for payment. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Reports

[15-0162](#) February 2015 Bid Activity Report

Attachments: [February 2015.pdf](#)

The February 2015 bid activity report was presented for review and is included as backup to the Minutes in their entirety. President Trawick reported this report lets the Council know the status of the City's Capital Projects that Council approved and whether or not they are within budget or not. These will be presented on a monthly basis.

[15-0187](#) February 2015 Sales, Lodging and Rental Tax Reports

Attachments: [20150312144728012.pdf](#)

City Administrator Mike Thompson reported that the January sales tax that was collected in February is 13.6% above the January 2014 taxes. The lodging tax is 33% above last year. The rental tax is still down but the Revenue Department continues to work with the state auditor to find out what the issues are so they can be corrected.

[15-0166](#) February 2015 CDD Report

Attachments: [February CDD Report for Council.pdf](#)

City Planner Miriam Boutwell presented the 2015 February report, which is attached to the Minutes in their entirety.

[15-0185](#) Fire Department Monthly Report February 2015

Attachments: [Council February 15 3-15](#)

Fire Chief Joey Darby gave a synopsis of the February 2015 Fire Department report, which is attached as back up to the minutes. He also reported there was a single family home fire on South Cedar Street that was contained to the main front living area of the house. It is believed the fire started by the improper use of a space heater. The residents were displaced but the home was not a total loss. There was a cooking fire at the Greentree Apartments that was contained to its area of origin. The residents were not displaced. There were 14 grass, brush and woods fires that got out of control. There were no injuries associated with these fires.

[15-0177](#)

Foley PD February 2015 End of Month Report

Attachments: [20150309130900133](#)

Deputy Police Chief Randy Bishop gave a synopsis of the Foley Police Department report, which is attached as back up to the minutes.

Councilman Hellmich reported that Deputy Police Chief Randy Bishop is retiring this month and it would be appropriate for him to receive a standing ovation from the Council and staff.

Ordinances, Resolutions, and Other Business

[15-0097](#)

AN ORDINANCE REGULATING ENVIRONMENTAL PERMITS RELATED TO LAND DISTURBANCE WITHIN THE CITY OF FOLEY

Attachments: [Environmental Ordinance](#)
 [Erosion and Sediment Control](#)
 [Amendment to Erosion and Sediment Control Ordinance](#)
 [Official Tree Ordinance](#)

A motion was made by Council Member Ralph Hellmich to adopt an ordinance regulating Environmental Permits related to land disturbance and repealing the Erosion and Sediment Control Ordinance and Tree Ordinance. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-1003-ORD

[15-0098](#)

An Ordinance Regulating Heritage Tree Preservation

Attachments: [Heritage Tree Preservation Ordinance](#)
 [Official Tree Ordinance](#)

A motion was made by Council Member Charles Ebert III to adopt an ordinance regulating heritage tree preservation to provide minimum standards for protection and restoration of heritage trees. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-1004-ORD

[15-0131](#)

Request to Retire K-9 Kane and K-9 Zeeta

A motion was made by Council Member Ralph Hellmich to approve retiring Police K-9 Kane, who will be adopted by his handler Carlos Lizarraga and to retire Police K-9 Zeeta, who will be adopted by her previous handler Jerry Monte. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2086-RES

[15-0150](#)

Vacation of right of ways on two separate areas of Beck Road.

Attachments: [Beck Road ROW Vacation Map](#)
[BC Foley, LLC. Declaration of Vacation](#)
[PASFCD Declaration of Vacation](#)
[Letters to Property Owners](#)

A motion was made by Council Member Ralph Hellmich to carry over item 15-0150 to the Council meeting of April 6, 2015. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[15-0151](#)

Request permission to increase the United Bank VISA Credit Card limit.

Attachments: [3323-08 RES.pdf](#)

A motion was made by Council Member Vera Quaites to approve increasing the United Bank VISA Credit Card limit from \$50,000 as previously established by Resolution 13-0166 to \$75,000. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2087-RES

[15-0154](#)

A resolution waiving Horse Arena fees for Jennifer Claire Moore Foundation Annual Rodeo

Attachments: [Jennifer Claire Moore Foundation](#)

A motion was made by Council Member Blackwell to waive the fees for the use of Foley Horse Arena requested by the Jennifer Claire Moore Foundation for their fundraiser on Thursday, July 30th and for Rodeo Week August 2nd - August 8th, 2015. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, abstained. The vote passed by a majority vote.

Aye: 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 15-2088-RES

[15-0156](#)

A Resolution reappointing Bonnie Donaldson to the Foley Historic

Commission.

Attachments: [Foley Historic Commission](#)

A motion was made by Council Member Charles Ebert III to reappoint Bonnie Donaldson to the Foley Historic Commission beginning April 22, 2015 and ending on April 23, 2018. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2089-RES

[15-0157](#)

A Resolution reappointing Alton McCullough to the Museum Archive Board.

Attachments: [Museum Archive Board](#)

A motion was made by Council Member Ralph Hellmich to reappoint Alton McCullough to the Museum Archive Board beginning April 18, 2015 and ending on April 19, 2018. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 15-2090-RES

[15-0160](#)

Approval of 010-Lounge Retail Liquor- Class I ABC License for Danos Bar and Grill

Attachments: [ABC License Application](#)
 [Danos Bar and Grill Map](#)

Fire Chief Darby and Police Chief Wilson recommended moving forward with the ABC License.

A motion was made by Council Member Ralph Hellmich to approve the ABC License for Danos Bar and Grill located at 926 W. Laurel Avenue. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

[15-0161](#)

Enter an Agreement with Mobile County Commission and South Alabama Regional Highway Safety Office (SARHSO) for Overtime Grant Funds for 2014 Click It or Ticket/Memorial Day Campaign.

Attachments: [Agreement 15-HS-M2-004](#)

A motion was made by Council Member Rick Blackwell to accept the Mobile County Commission's Grant for the 2015 Click It or Ticket/Memorial Day Campaign funds in the amount of \$2,000 for the period May 18, 2015 through May 31, 2015 to be used for traffic enforcement; to appoint Kelly O'Donnell to serve as the traffic safety coordinator, who will be responsible for submitting required documentation, reports and reimbursement statements to the SARHSO on or before the 7th of the month following the month of performance and to approve the expenditure of the grant funds and to amend the FY15 budget accordingly. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2091-RES

[15-0164](#)

Acknowledgement of the Friends of the Foley Public Library donation and memorialization of its use

A motion was made by Council Member Rick Blackwell to acknowledge the Friends of the Foley Public Library donation in the amount of \$2,000.00 and to memorialize the use of the donation to purchase Baby Bundle Packets for South Baldwin Regional Medical Center to be distributed to the parents of newborns. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2092-RES

[15-0165](#)

Thomas Provost Rezoning Ordinance

Attachments: [Recommendation Letter & Doc Thomas Provost.pdf](#)

A motion was made by Council Member Hellmich to approve the first reading of an ordinance rezoning property owned by Thomas Provost from PUD to AO. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, abstained. The vote passed by a majority vote.

Aye: 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

[15-0168](#)

South Baldwin Chamber of Commerce's Hot Air Balloon Festival

Attachments: [SBCC Hot Air Balloon Festival Letter](#)

A motion was made by Council Member Ralph Hellmich to approve the annual Gulf Coast Hot Air Balloon Festival to be held at the Foley Sports Complex May 1, 2 and 3, 2015 and to approve the serving of alcoholic beverages in a non-corralled designated area based upon ABC Board approval. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2093-RES

[15-0170](#)

Request Funds for Christmas Decorations

Attachments: [CITY OF FOLEY CHRISTMAS DECORATIONS MASTER LIST.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Phase I purchase of Christmas decorations and to amend the FY15 budget in the amount of \$123,000.00 plus any reasonable shipping costs. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2094-RES

[15-0171](#)

Transfer of Beautification Funds

A motion was made by Council Member Ralph Hellmich to transfer \$5,000 from the Beautification Board Capital Purchases Account to the Beautification Board Small Tools Account to purchase statues that will be placed at the Coastal Alabama Farmers and Fishermens Market. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2095-RES

[15-0172](#)

Request to memorialize application for the Certified Local Government 2015 Historic Preservation Fund Grant.

Attachments: [2015 - CLG Application in Progress.pdf](#)
[CLG Grant Info Packet.pdf](#)

A motion was made by Council Member Ralph Hellmich to memorialize the 2015 Historic Preservation Fund grant application and to assign \$1,875 for in-kind services to meet the 20% match with the majority of grant activity occurring in FY16. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2096-RES

[15-0173](#)

Acceptance and Use of Friends of the Library Donation

A motion was made by Council Member Rick Blackwell to accept the generous donation of \$6,000.00 from the Friends of the Foley Public Library and to approve the use of the donated funds to pay for activities and materials associated with the 2015 Summer Reading Program. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2097-RES

[15-0175](#)

Residential Sanitation Write Offs as Uncollectible

Attachments: [Sanitation Write Offs.pdf](#)

A motion was made by Council Member Rick Blackwell to write off certain residential sanitation accounts as uncollectible in the amount of \$64.00. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2098-RES

[15-0176](#)

Select voting delegates for annual Convention Business Meeting of the Alabama League of Municipalities to be held in Tuscaloosa, Alabama on May 16-19, 2015

Attachments: [ALM Voting Delegate](#)

A motion was made by Council Member Ralph Hellmich to appoint Council Member Vera Quaites as voting delegate and Council Member Rick Blackwell as first alternate delegate for the Annual Convention Business Meeting of the Alabama League of Municipalities to be held May 18, 2015, at 3:45 p.m. in Tuscaloosa, Alabama. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2099-RES

[15-0178](#)

Approve the Purchase Two Portable Light Towers through H-GAC for Use During Events and Emergencies.

Attachments: [Light Tower Quote and Specs.pdf](#)
 [need for light towers 3-2015.pdf](#)

A motion was made by Council Member Charles Ebert III to approve the purchase of two Terex Model RL4 Portable Light Towers through H-GAC from One Source Equipment for a total cost of \$15,994.00 and to appropriate funding in the amount of \$15,994.00 to capital purchase account. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2100-RES

[15-0179](#)

ATT's Third Amendment to Tower Site Lease Agreement

Attachments: [AT&T \(TRITEL\) TOWER SITE LEASE](#)
 [4664-11 RES](#)
 [4961-12 RES](#)
 [Amend.- Foley \(draft\) ATT](#)

A motion was made by Council Member Ralph Hellmich to approve the Mayor entering into the Third Amendment to Tower Site Lease Agreement with New Cingular Wireless PCS, LLC, which will allow for the replacement of three additional antennas for new ones and the installation of three RRU's and associated equipment. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2101-RES

[15-0180](#)

Resolution to approve sponsorship of the Alabama Tourism Industry Tourism Bash

Attachments: [Bash-2015 Sponsor Invitation and Ticket Order Form](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a silver sponsorship for the Tourism Bash in the amount of \$1,000 and to approve using existing budget funds from the Public Relations Account in support of this action. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2102-RES

Mayor's Comments

Council Member Ralph Hellmich reminded everyone the BBQ and Blues will be held this weekend and he encouraged everyone to attend and he reported this event is a lot of fun. He asked if any of the City's Departments had a team competing in the cook off this year. Deputy Police Randy Bishop reported that the Police Department will be competing this year.

Visitor's Comments

Neal Shults of 8131 Bay View Drive asked the Council for information as to why the three Blue Collar Comedy entertainers dropped out of the Blue Collar project. Mr. Shults also asked if anyone will take their place to draw more people. President Trawick reported that the media erroneously reported that the Blue Collar Comedy investors backed out of the project when in fact, the Blue Collar Comedy trio were never investors.

City Administrator Mike Thompson reported that Bill Engvall, Larry the Cable Guy and Jeff Foxworthy were only selling the rights to their names for specialty restaurants and were never investors in the project. Mr. Thompson also reported that there will still be specialty restaurants but they will not bare the comedy trio's names.

President Trawick reported that the project is moving forward and he explained that the Blue Collar project is not a City of Foley project. Blue Collar Destinations is its own entity and is not owned by the City. The City did purchase property owned by Blue Collar Destinations for the City's Event Center and soccer fields and negotiations are taking place daily for a new hotel.

Councilman Hellmich reported that entertainer Tony Orlando is still involved with the entertainment portion of the project.

Councilmen Ebert reiterated that the City is not involved with the Blue Collar project and that the City is developing the Sports Tourism project that is adjacent to the Blue Collar property.

Mr. Shults reported that Blue Collar bought 528 acres of land for \$22,727.00 per acre in 2013 and recently the City bought 89 acres of land from Blue Collar for over \$2 Million, which is a \$6,000 profit to Blue Collar. President Trawick reported that the City did buy 89 acres, but Blue Collar had already made improvements on the land. Blue Collar also donated 18 acres of right-way land for the Pride Drive extension and an additional 2.5 acres for the Event Center.

City Administrator Mike Thompson reported that Blue Collar spent millions of dollars moving millions of yards of dirt for Pride Drive and the City's ball fields. The deal with Blue Collar was constructed this way so that it would be equal to the City purchasing the 89 acres for the purchase price paid by Blue Collar.

Councilman Ebert reported that Blue Collar will also build a lake that will be an amenity to them but will also serve as a storm water retention pond for the City that otherwise would cost the City approximately \$8 million to build.

Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

The meeting adjourned at 6:30 p.m.